



THIS ORDER IS SIGNED AND ENTERED.

Dated: October 26, 2023

Rachel Blise

**Hon. Rachel M. Blise
United States Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re:

Case No. 22-11787-rmb

Gary L Peterson and Betty L Peterson,

Chapter 13

Debtors.

ORDER SETTING HEARING ON PLAN CONFIRMATION

The debtors filed an amended chapter 13 plan on July 20, 2023. On August 9, 2023, creditor State Bank Financial, which has a security interest in the debtors' real property, filed an objection to confirmation of the amended plan. (ECF No. 40.) On August 31, 2023, the Court sustained the creditor's objection to confirmation, and ordered the debtors to file a further amended plan on or before October 2, 2023. (ECF No. 42.) On September 29, the debtors filed an amended plan (ECF No. 45), which the trustee has recommended for confirmation. (ECF No. 46.)

The amended plan clarifies that the balloon payment to State Bank Financial will be made in the 60th month of the plan. However, pursuant to 11 U.S.C. § 1323(c), the creditor is deemed to have rejected the amended plan because the creditor has not withdrawn its objection. Therefore, the Court is unable to confirm the amended plan under § 1325(a)(5).

Accordingly, IT IS HEREBY ORDERED that a hearing on plan confirmation will be held by telephone before Rachel M. Blise, United States Bankruptcy Judge, on **November 16, 2023, at 1:00 p.m.** To appear by telephone, you must call the Court conference line at (888) 808-6929 and enter access code 4896101 before the scheduled hearing time. The Court may cancel the hearing if State Bank Financial withdraws its objection to confirmation.

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